

# AGENCY ESTIMATE

## OF THE FISCAL IMPACT OF IMPLEMENTING

### HB 421 S2 2011 General Session

#### Use of Public Buildings For Political Caucus Meetings

Sponsor: Representative Derek E. Brown

Agency Contact: Jenefer Youngfield 2 Mar 2011

Agency Utah State Office of Education

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#### A. Short Form (For bills that have no impact on the state, local governments, businesses, or individuals.)

If you can check all five boxes to the right, you're almost done. If the bill obviously doesn't have an impact, you're done.

<input type="checkbox"/>	State agencies will not require an appropriation to implement the bill.
<input checked="" type="checkbox"/>	There is no fiscal impact on local governments.
<input type="checkbox"/>	There is no fiscal impact on businesses
<input type="checkbox"/>	There is no fiscal impact on individuals.
<input type="checkbox"/>	The bill will not affect revenues.

If it isn't so obvious, explain what's going on. The most usual explanation is the codification of existing practices.

Attachments welcome.

If necessary, explain why this bill has no fiscal impact.

This bill requires the legislative body of a county, municipality, or school district to make ***all meeting facilities*** under its control available for use by registered political parties, to be... *Continued on second tab.*

#### B. What parts of the bill cause fiscal impact?

Cite specific sections or line numbers.

Lines 47 thru 49, in which a legislative body may only charge a registered political party no more than the actual cost of custodial services for cleaning the meeting facility after the use by... *Continued on second tab.*

#### C. Which program gets the appropriation?

Enter 3 letter Appropriation Unit Code.

#### For multiple appropriations

This is  of

#### D. Work Notes: Assumptions, calculations & what are we buying?

Explain the fiscal impact in plain English, detailing your assumptions, methods, & calculations.

List all direct costs. Identify one-time and ongoing costs. Detail FTE impacts.

Do not say, "\$50,000 in Current Expense." Be very specific about what this \$50,000 will buy.

Attachments encouraged.

The bill language restricts imposing charges for the use of facilities by a registered political party not to exceed the actual cost of: **custodial services for cleaning the meeting facility after the use by the political party; and any service requested by the political party and provided by the meeting facility.** This is contradictory to Utah Code 53A-3-414 which states the local school boards "...may charge a reasonable fee for the use of school facilities as a civic center so that the district incurs no expense for that use." It also contradicts Utah Code 53-13-105 which states school districts and charter schools may "...hire a special functions officer to have charge of the grounds and protect school property ... *Continued on second tab.*

## E. REVENUES

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## F. COSTS by FUND

Select Fund	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## G. COSTS by EXPENDITURE CATEGORY.

Expenses by Category	Current Budget Year FY 2011	Coming Budget Year FY 2012	Future Budget Year FY 2013
Personal Services			
Travel			
Current Expense			
DP Current Expense			
DP Capital Outlay			
Capital Outlay			
Other/Pass Thru			
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## H. Non-State Impacts

Your estimate of how will the bill affect:

### Local Governments

Local school districts and charter schools may not be able to recoup the entire cost of political activities at their facilities as the bill language only allows the political parties to be charged actual cost of **custodial**... *Continued on second tab.*

### Businesses

Businesses, who may have formerly provided space for parties to hold political meetings, may see reduced revenues if parties choose to meet in county, municipality, or school district facilities instead of businesses.

### Individuals

Registered political parties would be able to hold their political activities at meeting facilities upon request 30 calendar days before the day on which the use by the political party will take place, if the... *Continued on second tab.*

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OF THE FISCAL IMPACT OF IMPLEMENTING  
**HB 421 S2 2011 General Session *continued*...**  
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***A. Short Form - continued from first tab...***

used for political activities if: the party requests use of the facility at least 30 calendar before the day in which the use by the political activity will take place; and the building is not already scheduled for another purpose at the time of the proposed use. The bill restricts a legislative body to **only impose a charge** for use of a meeting facility to a registered political party not to exceed the actual cost of: custodial services for **cleaning the meeting facility after the use by the political party; and any service requested by the political party and provided by the meeting facility**. The bill also requires that an entity, to the extent possible, avoid scheduling an event in a government building for the same evening as an announced party caucus meeting.

***B. What parts of the bill cause fiscal impact continued from first tab...***

the political party; and any service requested by the political party and provided by the meeting facility, illustrates language that may have fiscal impact.

***C. Which program gets the appropriation continued from first tab...***

***D. Work Notes: continued from Tab 1 continued from first tab...***

when used for civic center (i.e., a public school building or ground that is established and maintained as a limited public forum to district residents for supervised recreational activities and meetings) purposes" who would be a "sworn and certified peace officer performing specialized investigations, service of legal process, security functions, or specialized ordinance, rule, or regulatory functions." The restriction in this bill of disallowing legislative bodies the ability to charge all of the actual costs incurred, which may not have been requested by the political party, does not take into consideration a variety of additional other costs related to: facility staff involvement in coordinating spaces and schedules, notification to others of space usage, utilities, equipment rental, supervision, security, insurance, grounds repairs, site - sanitation, extra-ordinary custodial costs for cleaning **during** the meeting related directly to the registered political parties' use of the facility, participants vehicle damage to the site, personnel for audio visual and computer set-up and/or support, other maintenance after-hour costs related to unforeseen problems such as lighting, heating or cooling problems, vandalism or burglary of facilities or equipment either caused by participants or related to participants or attendees providing unauthorized access to individuals, cost of other damages not listed, and so forth. Much of this may be currently included and outlined by school districts and charter schools who have facility rental/use agreements in place, which is not considered in this bill (for example, see attached 'Jordan School District - Facilities Use and Rental Guidelines - Feb 2011.pdf' and 'Jordan School District Facilities - Rental Fee Schedule - Feb 2011.pdf'). Language contained in many current school rental/use agreements includes requirements for groups/individuals who rent or use facilities to obtain liability insurance provide a 10% deposit to be retained to cover any damages, sign an agreement to hold the school district or charter school harmless, etc., all of which is recommended and supported by State Risk Management, and may no be longer allowed for political parties under this bill. If a charter school or school district does not have a rental/use agreement policy and a registered political party does not agree to all of the actual costs of using a facility, the bill language may completely eliminate the option of recouping costs of damages. An example of this is illustrated in the following scenario: school district "A" rents a facility to local political party "A" for a political activity, without requiring proof of liability insurance because prior experience with political party "B," is that local party "B" is covered under national party "B" liability insurance. During the local party "A" political meeting, one of the participants falls and breaks an ankle. School district "A" then finds out local party "A" is not covered under national party "A"

insurance and does not have liability coverage, which results in local school district "A" being liable for a \$20,000 cost of the individuals broken ankle. Along with being in contradiction to Utah Code 53A-3-141, this bill may call into question the ability of a school district or charter school to continue to enforce policies of facility rental/use agreements and indicates parts of current policy may no longer be imposed on registered political parties. If this is the case, state statute and local school policy would need to be modified to reflect this change. In addition, school districts and charter schools would need to find other ways to cover facility use costs that aren't directly related to custodial services or agreed to by the political party using the facility. The bill language stipulation that only a notice of "30 calendar days in advance and " is required "if the facility is not already scheduled to be in use" does not take into consideration the potential disruption of regular school programs. There is not a definition provided for "all meeting facilities" in the bill, which leaves to interpretation how much of the facility would be required to be available for use and may be understood to include areas restricted relative to: safety (i.e., mechanical and electrical spaces); expensive equipment and/or technology needing special instruction and/or training to operate (i.e., technology labs, sound booths in auditoriums); etc. The requirement of "30 calendar days..." does not take into consideration school district and charter school policy restrictions of not having facilities available for use on Sundays and holidays either. Language requiring legislative bodies to avoid, to the extent possible, scheduling an event in a government building for the same evening as an announced party caucus meeting also does not take into consideration that most school districts and charter schools have a large majority of their activities scheduled for the entire school year and may thus bring into question if registered political parties will be required to consider school schedules when scheduling political activities. Language is not included which would restrict registered political parties from: disrupting or negatively impacting student education, not being allowed to use facilities during student testing, not being allowed access of a facility when conditions may be unsafe for the public access--such as during construction, renovation or deep cleaning processes, eliminating access while maintenance and/or construction projects are in process, and so on. Language does not specifically include charter schools which brings into question if charter schools would be required to adhere to language in the bill in a fashion similar to school districts.

#### E. REVENUES *continued from first tab...*

#### F. COSTS by FUND *continued from first tab...*

#### G. COSTS by EXPENDITURE CATEGORY *continued from first tab...*

#### H. Non-State Impacts *continued from first tab...*

**services** for cleaning the facility after the meeting **and any service requested by the political party and provided by the meeting** and doesn't include other actual costs. School districts and charter schools may have to modify policy language related to school rental/use agreements to reflect restrictions outlined in the bill. Legislative bodies would not have to make facilities available to parties if request for political meetings are made less than 30 days in advance.

meeting facility is not already scheduled for another purpose. Political parties may find using government buildings to be less costly and less restrictive than other options. Legislative bodies would only be allowed to charge actual cost of custodial services for use of facilities after party meetings and only for services requested by the political party as opposed to the overall actual costs of facility use. Other individuals may see increased costs of using meeting facilities as legislative bodies attempt to make up for political activities costs, schools would no longer be able to charge. Legislative bodies may find they have to allow their facilities to be used when it is not convenient and/or becomes disruptive to the intended use of facilities.